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OFFICE OF PETITIONS

In re Application of
O'Neill et al.
Application No. 09/811,218
Filed: March 16, 2001
Attorney Docket No. PC10723A

ON PETITION

This decision concerns the May 14, 2004 "Petition for Revival of Unintentionally Abandoned Application under 37 CFR 1.137(b)."

The petition is **GRANTED**.


On September 29, 2003, a final Office action was mailed, setting forth a 3-month shortened statutory reply period. A proposed amendment, filed on February 5, 2004 along with a request for a 2-month extension of time and the extension-of-time fee, did not place the application in condition for allowance and was not entered by the Examiner. The March 25, 2004 Advisory Action informed Applicant that the reply period for responding to the September 29, 2003 final Office Action would remain that set forth in that final Office action. Given that no further response was filed on or before March 29, 2004, the application became abandoned on March 1, 2004.

The instant petition encloses a Request for Continued Examination (RCE) and an amendment as the RCE "submission" required by 37 CFR 1.114; authorizes the USPTO to charge the \$770 RCE filing fee and the \$1,330 petition fee to Deposit Account No. 16-1445; and states in essence that the entire delay in responding to the September 29, 2003 final Office Action from the due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

The application is hereby revived for establishing continuity with the RCE. Prosecution in the application is reopened.

The application file is being returned to Technology Center 1600 for continued examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.


RC Tang
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Office of Petitions